

tions for rehearing in cases referred to said Commission of Appeals shall be made before and determined by the Commission of Appeals.

Sec. 14. The sum of forty-five thousand (\$45,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the salaries of the judges of said Commission, and all other expenses of executing the provisions of this Act for the period ending August 31, 1919.

Sec. 15. The Commission of Appeals created hereby shall begin their service on the first Monday in October, 1918, and shall continue in existence until the last Saturday in June, 1920.

Sec. 16. The fact that the docket of the Supreme Court is now very much congested, and that it will be impossible for the said Court to relieve said docket for many years unless this measure for its relief shall be enacted, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas.

Friday, March 22, 1918.

The Senate met at 9:30 a. m. pursuant to adjournment and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Westbrook, the Senate stood at ease for thirty minutes, at the expiration of which time, the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.

Absent.

Hudspeth. Robbins.

Absent—Excused.

Dayton. McCollum.  
Gibson. Smith.  
Henderson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator McCollum was excused indefinitely on account of important business on motion of Senator Johnson of Hall.

Senators Henderson and Gibson for today on account of important business on motion of Senator Lattimore.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Collins:

S. B. No. 112, A bill to be entitled "An Act to establish and create a court to be known as the 'County Court of Jefferson County at Law No. 2,' and to prescribe its organization, jurisdiction and procedure and to conform the jurisdiction and procedure of other courts thereto, and to declare an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

#### Simple Resolution No. 48.

Whereas, The Senate of Texas learns with deep regret of the death of Hon. Jno. W. Robbins, a former distinguished member of the Texas Legislature, and State Treasurer of Texas; a near relative of Senator Clyde Robbins, now serving in this body, and

Whereas, The Hon. Jno. W. Rob-

bins was a clean souled, high minded, courageous citizen, whose memory we shall revere; therefore, be it

Resolved, That we extend to Senator Robbins, and the bereaved family of the deceased, our sincere sympathy in this hour of sorrow, and that the Secretary of the Senate be instructed to furnish a copy of this resolution to them.

(Signed). Lattimore, Bee, Buchanan of Bell, Buchanan of Scurry, Caldwell, Clark, Collins, Dayton, Dean Decherd, Floyd Gibson, Hall, Henderson, Hopkins, Hudspeth, Johnson of Hall, Johnston of Harris, McCollum, McNealus, Page, Parr, Smith, Strickland, Suiter, Westbrook and Woodward.

The resolution was read and adopted by unanimous vote of the Senate.

#### Simple Resolution No. 40.

Whereas, The main money crop of the State of Texas and the South is cotton and as it is produced strictly for sale, thus making it clearly a commercial product, and

Whereas, The Commissioner of Agriculture of Texas and those of the other cotton producing states, as well as many other citizens of the South, believe this product can and should be priced by those interested in its production, the same as other commercial products; therefore be it

Resolved, That the Commissioner of Agriculture of Texas and the Commissioner of Warehouses and Markets, of Texas, be invited to come before a joint session of the Senate and House at such time as the Speaker and President of the Senate may fix, and explain how this important work can be accomplished, and if found to be feasible, that to aid him in his work, the Governor of the State, the Lieutenant Governor, and the Speaker of the House be added to the Pricing Committee which the Commission selects for the purpose of finding the cost of producing cotton and naming a price it ought to bring each season.

LATTIMORE.  
HENDERSON.

The resolution was read and adopted.

#### Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 46, A bill to be entitled "An Act to provide for the creation of corporations to prevent the pollution of streams and to that end empowering such corporations to gather, impound and store water containing salt or other substances produced in the drilling or operation of oil wells or other wells; and authorizing such corporations to charge reasonable rates for service; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created hereunder; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to provide that women may vote in all primary elections and nominating conventions in Texas; prescribing qualifications for such voters, providing for registration in cities of ten thousand and over, and declaring an emergency."

#### Messages from the Governor.

A messenger here appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,  
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration, the following subject: "An Act to establish and create at Port Arthur, Jefferson County, Texas, a city of over five thousand inhabitants, a court to be known as the 'Municipal Court of Port Arthur,' and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto."

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

Governor's Office,  
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in  
Fourth Called Session:

At the request of Dr. Beverly Young, Superintendent of the Southwestern Insane Asylum, I submit for your consideration the subject of providing an increased appropriation for the Southwestern Insane Asylum.

In this connection I transmit a copy of an application for deficiency appropriation made by the Superintendent of the Institution.

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

(Copy.)

March 16, 1918.

Hon. W. P. Hobby, Governor of  
Texas, Austin, Texas.

Dear Sir: By July 1, 1918, the appropriation made for the Southwestern Insane Asylum, by the First Called Session of the Thirty-fifth Legislature, for the fiscal year ending August 31, 1918, of \$210,000.00, for support and maintenance, will have been exhausted.

In explanation and to justify your grant of a deficiency in this item of the appropriation made by the First Called Session of the Thirty-fifth Legislature, because of the unusual high cost of every commodity used by this institution, for instance the three items of fuel, oil, flour and beef, is costing us \$38,070.00 more than they did during the fiscal year ending August 31, 1917, and every other article bought has increased in the same proportion, it will require \$25,000.00 to buy the necessary supplies for this institution, to August 31, 1918.

Therefore, for the reasons above stated, I know that the deficiency in this appropriation at the time indicated, will be \$25,000.00, hence I estimate the sum of \$25,000.00 as the amount necessary to tide me over in said appropriation, until the next appropriation becomes available, and respectfully request your approval thereof.

(Signed) BEVERLY YOUNG,  
Superintendent.

Subscribed and sworn to before

me, this 18th day of March, A. D. 1918.

(Signed) B. L. GOODE,  
Notary Public, Bexar County, Texas.

(Senator Alderdice in the chair.)

Morning call concluded.

#### Senate Bill No. 109.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 109, A bill to be entitled "An Act to amend Section 2 of an Act passed by the First Called Session of the Thirty-first Legislature, Chapter 8, Special Laws, entitled 'An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto in Potter County, to incorporate an an independent school district for free school purposes only, to be known as the Amarillo Independent School District, with all the powers, rights and duties of independent schools districts formed by incorporations of towns and villages for free school purposes only; and to provide for the election of trustees, raising of revenue by taxation, issuing of bonds, acquiring the property of and assuming the indebtedness of the Amarillo Independent School District, and of the Amarillo Independent School District within the city limits, and dissolving the Amarillo Independent School District within the city limits, and repealing Chapter 136, Acts of 1905, relating to the incorporation of the Amarillo Independent School District, and declaring an emergency,' so as to add certain territory in Randall County, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 109 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.

Bailey.

Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Hall.	

Absent.

Decherd.	Robbins.
Hopkins.	Woodward.
Hudspeth.	

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Hall.	

Absent.

Caldwell.	Robbins.
Decherd.	Woodward.
Hudspeth.	

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

#### House Bill No. 156.

The Chair laid before the Senate as special order, and on second reading:

H. B. No. 156, A bill to be entitled "An Act to amend Chapter 1, Section 119, Revised Statutes of Texas, 1911, by adding thereto Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners, etc., and declaring an emergency."

Action recurred upon the pending

amendment of Senator Gibson, as follows:

Amend the bill by inserting \$1500 instead of \$1800 in counties of 40,000 to 50,000 population.

By unanimous consent the amendment was changed to read as follows:

Amend the bill, page 2, line 9, by striking out "\$1500" and insert in lieu thereof "\$1200."

The amendment was read and, on motion of Senator Parr, the same was tabled.

Senator Hopkins offered the following amendments:

(a) Amend House Bill No. 156 by striking out in Article 6901d, the figures "\$1200" and insert in lieu thereof "\$1100."

(b) Amend House Bill No. 156, by striking out the figures "30,000" where they appear in the bill and insert in lieu thereof the figures "25,000."

Senator Parr moved to table the amendment and the motion prevailed.

Senator Westbrook offered the following amendment:

Amend House Bill No. 156, by adding at the end of Section 1, the following:

"Provided that in all counties containing a population of less than fifty thousand (50,000) and more than thirty thousand (30,000) the county commissioners of the several counties shall receive \$5.00 per day for each day actually served; provided that each commissioner shall in no event receive more than \$1,500 in any one year for such services."

WESTBROOK.

Senator Lattimore moved to table the amendment, and the motion to table prevailed.

Senator Bailey moved the previous question on the passage of the bill to third reading, which being duly seconded, was ordered.

The bill was read second time and passed to its third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 156 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.



Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Faust.	Parr.
Floyd.	Strickland.
Hall.	Suiter.
Hopkins.	Westbrook.

Absent.

Decherd.	Robbins.
Hudspeth.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed by the following vote.

Yeas—21.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Westbrook.
Faust.	

Nays—1.

Suiter.

Present—Not Voting.

Strickland.

Absent.

Dayton.	Robbins.
Hudspeth.	Woodward.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Smith.

Senator Bailey moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Reason for Vote.

The general provisions of the bill do not meet my approval in their entirety. However, as a recent court decision has nullified the salary provisions of all special county road

laws of the State, a general law on the subject is imperative. Also as this bill has passed the House by barely a sufficient vote to relieve the emergency and fearing that an amendment at this late hour during this session will defeat the bill, I submerge my individual views on some of its provisions in order to give general relief in the State at large.

FLOYD.

#### Message from the House.

Hall of the House of Representatives.  
Austin Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 55, A bill to be entitled "An Act conferring upon the Railroad Commission of Texas the power to require persons, firms, corporations and receivers, owning or operating railroads within the State of Texas, to arrange or rearrange or relocate their railroad tracks and depot buildings at stations when and where the safety of the public may require such arrangements or rearrangement; providing procedure for such requirements, and declaring an emergency."

H. B. No. 50, A bill to be entitled "An Act to amend Sections 12 and 16 of Chapter 190 of the Acts of the Regular Session of the Thirty-fifth Legislature, creating a 'State Highway Department,' and which sections relate to the allotment of the highway funds in aid of road construction; and to annual fees for registration of motor vehicles and motorcycles," with engrossed rider.

Concurred in Senate amendments to House Bill No. 94.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

#### Bill Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after its caption had been read, the following House bill:

H. B. No. 50, referred to the Committee on State Affairs.

## Senate Bill No. 72—House Amendments Concurred In.

Senator Buchanan of Bell called up for consideration of House amendment to:

S. B. No. 72, A bill to be entitled "An Act to amend an act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts of the State of Texas and to fix the time for holding court therein as passed by the Thirty-third Legislature, Chapter 61; and to fix the time for holding court in the counties of the Twenty-seventh Judicial District and to repeal all laws and parts of laws in conflict therewith."

The following House amendment was laid before the Senate and read:

Amend S. B. No. 72 by adding after the last word in Section 1 the following:

"Provided this Act shall not go into effect until the first Monday in June, A. D. 1918, upon which date it shall be in full force and effect."

The amendment was concurred in by the following vote:

## Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Faust.	Sulter.
Floyd.	Westbrook.
Hall.	

## Absent.

Bailey.	Robbins.
Decherd.	Woodward.
Hudspeth.	

## Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

## House Bill No. 140.

Senator Hopkins moved that the regular order of business (Senate Bill No. 31) be suspended, and the Senate take up, out of its order, House Bill No. 140.

The motion prevailed by the following vote:

## Yeas—19.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Parr.
Collins.	Strickland.
Dean.	Sulter.
Faust.	

## Nays—2.

McNealus.	Westbrook.
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## Absent.

Decherd.	Page.
Henderson.	Robbins.
Hudspeth.	Woodward.

## Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.

The Chair laid before the Senate on second reading:

H. B. No. 140, A bill to be entitled "An Act requiring the heads of the departments located in the Capitol and the State Land Office building in the city of Austin to file with the Superintendent of Public Buildings and Grounds a complete inventory of all furniture, fixtures, machinery, machines, typewriters and other office utilities, except books and stationery; fixing the time when such inventories must be filed; making the heads of the departments responsible for the property not accounted for and lost by reason of carelessness and negligence of the officer; making it the duty of the Superintendent of Public Buildings and Grounds to check up such inventories and make demand for the restoration or payment of all property not lawfully accounted for; declaring that departmental heads shall neither purchase nor sell any of the personal property enumerated in this Act, but when no longer of use shall be delivered to the Superintendent of Public Buildings and Grounds for disposition; making it the duty of the Superintendent of Public Buildings and Grounds to furnish the various departments with all furniture, fixtures, office necessities and utilities heretofore named, except stationery and books; regulating the manner of purchases for such purpose, but declaring that all purchases

made prior to August 31, 1918, shall be made as now provided in appropriation bills, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Hopkins offered the following amendment which was read and adopted:

(1) Amend House Bill No. 140 by adding in Section 1, after the word "utilities" the following, "belonging to the State."

Senator Lattimore offered the following amendment which was read:

(2) Amend House Bill No. 140 by striking out the second section of the bill, and renumbering "Section 3," as "Section 2."

Senator Suiter offered the following substitute for the amendment:

Amend the bill by striking out all after the word "utility" in Section 2.

The substitute prevailed and was then adopted as substituted.

The bill was read second time and passed to its third reading.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 140 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Faust.	Strickland.
Floyd.	Suiter.

Nays—1.

Westbrook.

Absent.

Caldwell.	Robbins.
Decherd.	Woodward.
Hudspeth.	

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

The bill was laid before the Senate, read third time and, on motion of Senator Hopkins was passed finally.

Senator Hopkins moved to recon-

sider the vote by which the bill was passed and table the motion to reconsider:

The motion to table prevailed.

(President Pro Tem. Decherd in the chair.)

Senate Bill No. 68.

The Chair laid before the Senate on second reading:

S. B. No. 68, A bill to be entitled "An Act directing the Board of Prison Commissioners to transfer out of any funds to the credit of said Prison Commission the sum of \$375,000 to the credit of the general fund of the State to reimburse the general fund for the amount paid on debts against the present system, under the Acts of the Thirty-fifth Legislature, authorizing and directing the Board of Prison Commissioners to pay out of funds to the credit of the said Prison Commission the balance of \$387,783.51 being the amount appropriated by the Thirty-fifth Legislature in payment of the balance due on such claims and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 68 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.

Absent.

Caldwell.	Robbins.
Hudspeth.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

The bill was laid before the Sen-

ate, read third time and, on motion of Senator Floyd, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Hall.	

Present—Not Voting.

Bailey.

Absent.

Caldwell.	Robbins.
Hudspeth.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

Senator Floyd moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 111.

The Chair laid before the Senate on second reading:

S. B. No. 111, A bill to be entitled "An Act making it the duty of sheriff, constables and their deputies, the policemen and all other peace officers of the State, to assist the officers of the United States whose duty it is to enforce the provisions of an Act of Congress entitled 'An Act to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use and possession of the same, and for other purposes;' and making it the duty of said peace officers to report to the proper officers of the United States any fact or circumstance showing or indicating a violation of said Act; providing a punishment for the failure of any such peace officer to discharge the duties imposed by the provisions of this Act; and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 111 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Hall.	Woodward.

Absent.

Buchanan of Bell.	Hudspeth.
Floyd.	Robbins.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed by the following vote:

Yeas—23.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	

Absent.

Hudspeth.	Woodward.
Robbins.	

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	



**House Bill No. 107.—Refusal to Take Up.**

Senator Collins moved that the regular order of business (Senate Bill No. 31) be suspended, and the Senate take up, out of its order, House Bill No. 107.

The motion was lost by the following vote:

Yeas—13.

Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Johnson of Hall.	

Nays—8.

Alderdice.	Clark.
Bailey.	Faust.
Bee.	Hall.
Caldwell.	Parr.

Present—Not Voting.

Johnston of Harris. Strickland.

Absent.

Hopkins. Hudspeth.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Robbins.
Henderson.	Smith.

**House Bill No. 107 Set as Special Order.**

Senator Lattimore moved that House Bill No. 107 be set as a special order for 2 o'clock today.

The motion prevailed and the bill was accordingly set.

**Senate Bill No. 47.**

The Chair laid before the Senate on second reading:

S. B. No. 47, A bill to be entitled "An Act providing for the appointment of official stenographers for grand juries by the judges of the district courts presiding over same, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of transcribing and furnishing to the district and county

attorney of such counties or judicial districts, of the evidence and testimony adduced and given before such grand juries in the investigation of crimes and offences coming before such bodies and declaring an emergency."

On motion of Senator McNealus, the bill was laid on the table subject to call.

**Senate Bill No. 26.—Free Conference Committee Report.**

The Chair laid before the Senate the Free Conference Committee Report on Senate Bill No. 26.

(See proceeding of afternoon session of today, page 404, for report in full.)

The report was read and Senator Bee moved that the same be laid on the table subject to call.

As a substitute Senator Buchanan of Scurry, moved the adoption of the report.

The Senate refused to substitute the motion of Senator Buchanan of Scurry for that of Senator Bee by the following vote:

Yeas—10.

Alderdice.	Johnson of Hall.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Strickland.
Clark.	Westbrook.
Collins.	Woodward.

Nays—11.

Bee.	Hopkins.
Caldwell.	Johnston of Harris.
Decherd.	Lattimore.
Faust.	Page.
Floyd.	Suiter.
Hall.	

Present—Not Voting.

Dean.

Absent.

Bailey. Parr.

Absent—Excused.

Dayton.	McCollum.
Gibson.	Robbins.
Henderson.	Smith.
Hudspeth.	

Senator Caldwell moved to reconsider the vote by which the Senate refused to adopt the substitute motion, and lay that motion on the table subject to call.

Senator Hopkins made the point

of order that the vote just taken was not a vote direct upon the adoption of the Free Conference Committee report on Senate Bill No. 26, but that this vote merely determined whether or not the motion of Senator Buchanan of Scurry should be substituted for the motion of Senator Bee, and thereby become the original pending motion before the Senate, and that had it prevailed another vote of the Senate would have been necessary to adopt same; that the question of the adoption of the committee report had not been voted upon but instead only the question of the substitution of one motion for another before the Senate.

The Chair sustained the point of order holding that it required two votes to adopt a substitute, the first substituting it for the original (at which time it would still be pending before the Senate) and the second to adopt same as substituted.

Action recurred upon the motion of Senator Bee to lay the Conference Committee report on Senate Bill No. 26 on the table subject to call, and that motion prevailed.

#### House Bill No. 52.

Senator Caldwell called up from the table and the Chair laid before the Senate on second reading:

H. B. No. 52, A bill to be entitled "An Act to amend Article 889, passed at the Regular Session of the Thirty-fourth Legislature, amending Chapter 6, Title 13, of the Penal Code of 1911, and which amendment relates to the closed season for killing doves, and declaring an emergency."

Senator Caldwell offered the following amendment:

Amend House Bill No. 52, by striking out all of Article 889a, and insert in lieu thereof the following:

Article 889a. From and after the passage of this Act it shall be unlawful for any person to kill any dove or white wing commonly known as a dove, during the period of time embraced between the 1st day of February and the 1st day of December of any year, providing, however, that in counties in this State lying north of a line marking the northern boundaries of the counties of Shelby, Nacogdoches, Angelina, Houston, Leon, Robertson, Falls,

Bell, Lampasas, San Saba, McCulloch, Concho, Tom Green, Irion, Reagan, Upton, Crane, Ward, Loving, Culberson and El Paso, it shall be only unlawful for any person to kill any dove or white wing commonly known as a dove, between the 1st day of February and the 31st day of August of any year.

Senator Westbrook offered the following substitute for the foregoing amendment:

Amend the bill by striking out the word "December" in line 28, page 1 of the bill and insert in lieu thereof the word "September."

Pending.

Recess.

At 12:10 o'clock p. m., the Senate, on motion of Senator Clark, recessed until 2 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

#### House Bill No. 52.

(Pending business.)

Action recurred upon House Bill No. 52 as pending business, the question being upon the substitute amendment of Senator Westbrook for that of Senator Caldwell.

The substitute and amendment were each withdrawn.

Senator Caldwell offered the following amendment:

Amend House Bill No. 52, by striking out all of Article 889a and insert in lieu thereof the following:

"Article 889a. From and after the passage of this act it shall be unlawful for any person to kill any dove or white wing commonly known as a dove, during the period of time embraced between the first day of February and the first day of December of any year, provided, however, that in those counties in this State lying north of a line marking the northern boundaries of the counties of Shelby, Nacogdoches, Angelina, Houston, Leon, Robertson, Falls, Bell, Lampasas, San Saba, McCul-

lough, Concho, Tom Green, Irion, Reagan, Upton, Ward, Loving, Culberson, Hudspeth, and El Paso, it shall be unlawful for any person to kill any dove or white wing commonly known as a dove, between the first day of November and the thirty-first day of August of any year.

Senator Lattimore offered the following substitute for the above amendment:

(1) Amend House Bill No. 52 as follows: strike out all after the enacting clause and insert in lieu the following:

"Section 1. That Article 889a which is amended Article 889 of Chapter 6, Title 13 of the Penal Code of 1911 passed at the Regular Session of the Thirty-fourth Legislature be amended so as to read as follows:

"Article 889a. From and after the passage of this Act it shall be unlawful to kill any doves in this State for a period of five years from the taking effect of this Act."

(Senator Clark in the chair.)

Senator Caldwell moved to table the substitute, which motion to table was lost by the following vote:

Yeas—11.

Bailey.	Johnson of Hall.
Caldwell.	Page.
Clark.	Suiter.
Dean.	Westbrook.
Faust.	Woodward.
Hall.	

Nays—11.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Parr.
Floyd.	Strickland.
Hopkins.	

Present—Not Voting.

Buchanan of Bell.

Absent.

Decherd.	Robbins.
Hudspeth.	

Absent—Excused.

Dayton.	McCollum.
Gibson.	Smith.
Henderson.	

Action then recurred upon the adoption of the substitute and the same prevailed by the following vote:

Yeas—13.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Scurry.	McNealus.
Clark.	Parr.
Collins.	Strickland.
Floyd.	Woodward.
Hopkins.	

Nays—9.

Bailey.	Hall.
Buchanan of Bell.	Page.
Caldwell.	Suiter.
Dean.	Westbrook.
Faust.	

Absent.

Decherd.	Robbins.
Johnson of Hall.	

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

The amendment as substituted was then adopted.

Senator Hall offered the following amendment:

Amend House Bill No. 52 by adding after the word "year," page 1, line 28, the following:

"Providing, however, that the provision of this Act shall not apply to either of the following counties, viz.: Wharton, Matagorda, Brazoria, Galveston, Chambers."

Senator Hopkins made the point of order that the amendment is not germane.

The point of order was overruled.

Senator Caldwell offered the following amendment which was read and adopted:

(2) Amend House Bill No. 52 by adding "Section 2," the emergency clause.

Senator Bailey offered the following amendment:

Amend the bill by exempting from the provisions of this law Aransas, Atascosa, Bee, Calhoun, Refugio, Victoria, Goliad, DeWitt, Jackson, Karnes, Wilson, Live Oak Counties.

On motion of Senator Caldwell the amendment was tabled.

The bill was read second time and passed to its third reading.

Senator Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 52 put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Bee.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Westbrook.
Floyd.	Woodward.

Nays—5.

Bailey.	Johnson of Hall.
Faust.	Suiter.
Hall.	

Present—Not Voting.

Buchanan of Bell.

Absent.

Robbins.

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

#### House Bill No. 133.

The Chair laid before the Senate on second reading:

H. B. No. 133, A bill to be entitled "An Act to authorize the commissioners court of Bell County to fund an issue of road warrants with an issue of road improvement bonds and thereby relieve the road and bridge fund of the warrant debt; and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Buchanan of Bell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 133 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Dean.
Bailey.	Faust.
Bee.	Floyd.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Collins.	Lattimore.

McNealus.  
Page.  
Parr.  
Strickland.

Suiter.  
Westbrook.  
Woodward.

Absent.

Decherd.	Robbins.
Absent—Excused.	

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Bell, was passed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Collins.	Strickland.
Dean.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.
Hall.	

Absent.

Decherd.	Robbins.
Absent—Excused.	

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

(President Pro Tem. Decherd in the chair.)

#### House Bill No. 104—Free Conference Committee Elected.

Senator Floyd made the following motion in writing:

I move that the request of the House for a free conference on House Bill No. 104 be granted and that the following be elected on the part of the Senate: Lattimore, Dean, Collins, Alderdice and Page.

FLOYD.

The motion was read and adopted, carrying the election of the committee named.



## Messages from the House.

Hall of House of Representatives.  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has

Concurred in all Senate amend-  
ments to House Bill No. 104, except  
Senate amendment No. 3. Copy of  
all amendments concurred in are  
herewith transmitted together with  
original Senate amendment rejected  
by the House, with endorsements  
thereon. The House requests the ap-  
pointment of a Free Conference Com-  
mittee. The following have been ap-  
pointed on the part of the House:  
Messrs Dudley, Canales, Bagby,  
Thomason of El Paso and Bryan.

Passed

H. B. No. 109, A bill to be entitled  
"An Act providing for reports of re-  
ceipts and disbursements by candi-  
dates and their campaign committees  
in primary elections; limiting their  
expenses and specifying purposes for  
which such disbursements may be  
made; defining violations of this  
Act, and providing penalties there-  
for; repealing all laws in conflict  
herewith, and declaring an emer-  
gency."

H. B. No. 138, A bill to be entitled  
"An Act providing that those en-  
gaged in any business within this  
State, upon which the laws require  
the payment of a tax on gross re-  
ceipts, must obtain a permit to trans-  
act such business from the Secretary  
of State; providing for the issuance  
of such permit by the Secretary of  
State, what the same shall contain,  
and that the same shall be posted  
in the office of the person or con-  
cern to whom issued; providing for  
an application to be made for such  
permits, and what such application  
shall show; the length of time such  
permits are to run and when those  
now engaged in business must obtain  
permits; providing for the suspen-  
sion of such permits by the Secretary  
of State on a certificate from the  
Comptroller showing the holder has  
failed to pay his gross receipts taxes;  
stating the conditions, manner and  
method of suspending such permits  
and the publication of notices with  
reference thereto; providing for the  
transaction of business regulated in  
this Act without having obtained a

permit, or transacting business after  
such permit has been suspended and  
the method of collecting such penal-  
ties; authorizing suit by the Attor-  
ney General to collect such penalties,  
and defining the jurisdiction and  
venue of such suits; creating offenses  
for violations of this Act and fixing  
the punishment therefor; prescribing  
certain duties and conferring certain  
authority on the Comptroller, Secre-  
tary of State and the Attorney Gen-  
eral with reference to administering  
and enforcing this Act; making this  
Act cumulative of all other laws on  
the subject, and declaring an emer-  
gency."

H. B. No. 93, A bill to be entitled  
"An Act abolishing the office of  
Commissioner of Pensions, con-  
ferring all powers heretofore exer-  
cised by the Commissioner of Pen-  
sions under any existing laws of this  
State, upon the Comptroller of Pub-  
lic Accounts and annulling and re-  
pealing all appropriations for the  
Pension Department for the year  
1918, save and except the salary of  
the chief clerk of said department,  
in the sum of \$1500 per annum,  
which said appropriation shall be  
available for the use of the Com-  
ptroller of Public Accounts in the ad-  
ministration of the pension laws of  
this State, repealing all laws in con-  
flict therewith, and declaring an  
emergency."

H. B. No. 123, A bill to be entitled  
"An Act to provide for the sale and  
transfer to the United States of all  
property owned by the State of Texas  
situated on the Gulf coast of Texas  
and on the Mexican border of Texas  
along the Rio Grande river and used  
in the State quarantine service, pro-  
viding for a commission to negotiate  
the sale of said property to the pro-  
per authorities of the United States,  
providing that the expenses of said  
commission shall be paid out of the  
expense funds of their respective de-  
partments, authorizing the Governor  
to execute the deeds and convey the  
property to the United States, pro-  
viding that the positions and employ-  
ment of officers and employes in  
charge of and using such property  
so conveyed shall terminate, provid-  
ing for the payment into the State  
Treasury to the general revenue of  
all money realized from the sale of  
such properties and filing of state-  
ments in the office of the Comptrol-

ler of Public Accounts, and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act to amend Article 1028, Revised Civil Statutes of 1911, dealing with the fixing of rates for public utility corporations; providing the length of time such rates shall be effective and providing that such rates shall be reasonable ones, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act to amend Chapter 32, Article 6196 of the General Laws passed at the First Called Session of the Thirty-fifth Legislature, 1917, page 49, regulating the management and control of the penitentiary system and regulating the fixing of salaries of penitentiary guards, and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act to amend Article 3096 of the Revised Civil Statutes of Texas, adopted in 1911, so as to read as follows: 'Article 3096. Ballot, primary, no symbol, etc., on except, etc.; ballot without test not counted, etc.'" with engrossed rider.

H. B. No. 173, A bill to be entitled "An Act changing the boundaries of Abernathy Independent School District, situated in Hale and Lubbock Counties, Texas, etc., and declaring an emergency," with engrossed rider.

H. B. No. 174, A bill to be entitled "An Act to establish Common School District No. 15 in Lubbock County, Texas, out of and so as to include certain lands heretofore in Slaton Independent School District and Common School Districts Nos. 11 and 20 of said county, etc., and declaring an emergency."

H. B. No. 175, A bill to be entitled "An Act to readjust the common school districts and county line common school districts in Lubbock County, Texas, against which outstanding bond issues are now in force, changing boundary lines of said districts, etc., and declaring an emergency."

H. B. No. 176, A bill to be entitled "An Act changing the boundaries of Lubbock Independent School District and Canyon Common School District No. 11 and New Hope Common School District No. 20 in Lubbock County, Texas, transferring to Canyon Common School District No. 11 a portion of the territory now embraced in Lubbock Independent

School District, and providing that Canyon Common School District No. 11 shall assume the portion of the bonded indebtedness of Lubbock Independent School District, etc., and declaring an emergency."

H. B. No. 177, A bill to be entitled "An Act changing the boundaries of Common School Districts Nos. 3 and 14 and Slaton Independent School District in Lubbock County, Texas, and transferring a portion of the territory now embraced in Union Common School District No. 3 to Slaton Independent School District, etc., and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Buildings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and creating an emergency."

H. B. No. 82, A bill to be entitled "An Act to amend Article 5376, Revised Civil Statutes of 1911, and to repeal Article 5379 of the same statute relating to the delivery of patents, and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act regulating the purchase of junk by persons engaged as junk dealers or in the junk business; providing for uniform affidavits of junk sellers, and for same to be kept in well bound book, subject to inspection of the public; providing punishment for the violation of same; defining the terms 'junk dealer' and 'junk business,' and repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act giving to the owner of any real estate or interest therein sold under execution, order of sale, deed of trust, mortgage or other contract lien the right to redeem the same at any time in one year from the date of sale by paying to the purchaser the amount of the purchase money paid, together with interest thereon; provided, that property redeemed under the act shall not again be subject to levy or sale for the debt for which it was sold; providing that from the period of redemption allowed by this Act shall be deducted a period equal to any extension of the debt; providing that the right of redemption shall not be waived; providing that the Act shall have no application when the real estate is

sold after the final maturity of the debt, or when the debt represents purchase money and less than one-half of the principal of the debt has been paid, or when the debt bears interest at the rate of six per cent or less; providing that the right of redemption shall for all purposes be treated and regarded as real estate, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Free Conference Committee report on House Bill No. 110,

Adopted Free Conference Committee report on Senate Bill No. 26 by following vote: yeas 69, nays 34.

Passed:

S. B. No. 44, A bill to be entitled "An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense, and declaring an emergency,' so as to provide that no member of the Council shall ever be paid any salary or per diem for his services, except the secretary and assistant secretary, who may be members of the Council, and declaring an emergency."

H. B. No. 149, A bill to be entitled "An Act to authorize persons, associations of persons, corporations and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides."

Respectfully,

BOB BARKER.

Chief Clerk House of Representatives

#### Bills Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after their captions had been read, the following House bills:

H. B. No. 109, referred to the Committee on Privileges and Election.

H. B. No. 138, referred to the Committee on State Affairs.

H. B. No. 93, referred to the Committee on State Affairs.

H. B. No. 123, referred to the Committee on Public Health.

H. B. No. 61, referred to the Committee on Civil Jurisprudence.

H. B. No. 161, referred to the Committee on State Penitentiaries.

H. B. No. 111, referred to the Committee on Civil Jurisprudence.

H. B. No. 173, referred to the Committee on Educational Affairs.

H. B. No. 174, referred to the Committee on Educational Affairs.

H. B. No. 175, referred to the Committee on Educational Affairs.

H. B. No. 176, referred to the Committee on Educational Affairs.

H. B. No. 177, referred to the Committee on Educational Affairs.

H. B. No. 82, referred to the Committee on Public Lands and Land Office.

H. B. No. 90, referred to the Committee on Criminal Jurisprudence.

H. B. No. 142, referred to the Committee on Civil Jurisprudence.

H. B. No. 149, referred to the Committee on Mining, Irrigation and Drainage.

#### House Bill No. 107.

The Chair laid before the Senate on second reading:

H. B. No. 107, A bill to be entitled "An Act amending Article 3093 of Chapter 10, Title 49 of the 1911 Revised Statutes of Texas, so as to provide that no one shall vote in a primary election or convention unless he is a citizen of the United States."

The bill was read second time and passed to its third reading by the following vote:

Yeas—16.

Alderdice.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Strickland.
Decherd.	Suiter.
Floyd.	Westbrook.
Hopkins.	Woodward.

Nays—7.

Bee.	Hall.
Caldwell.	Page.
Clark.	Parr.
Faust.	

## Absent.

Bailey. Robbins.  
Absent—Excused.

Dayton. Hudspeth.  
Gibson. McCollum.  
Henderson. Smith.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 107 put on its third reading and final passage by the following vote:

## Yeas—19.

Alderdice. Johnson of Hall.  
Bee. Johnston of Harris.  
Buchanan of Bell. Lattimore.  
Buchanan of Scurry. McNealus.  
Collins. Page.  
Dean. Strickland.  
Decherd. Suiter.  
Faust. Westbrook.  
Floyd. Woodward.  
Hopkins.

## Nays—4.

Caldwell. Hall.  
Clark. Parr.

## Absent.

Bailey. Robbins.  
Absent—Excused.

Dayton. Hudspeth.  
Gibson. McCollum.  
Henderson. Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed by the following vote:

## Yeas—16.

Alderdice. Johnson of Hall.  
Buchanan of Bell. Johnston of Harris.  
Buchanan of Scurry. Lattimore.  
Collins. McNealus.  
Dean. Strickland.  
Decherd. Suiter.  
Floyd. Westbrook.  
Hopkins. Woodward.

## Nays—7.

Bee. Hall.  
Caldwell. Page.  
Clark. Parr.  
Faust.

Bailey. Absent.  
Robbins.

## Absent—Excused.

Dayton. Hudspeth.  
Gibson. McCollum.  
Henderson. Smith.

## Senate Bill No. 47.

Senator McNealus called from the table and the Chair laid before the Senate on second reading:

S. B. No. 47, A bill to be entitled "An Act providing for the appointment of official stenographers for grand juries by the judges of the district courts presiding over same, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of transcribing and furnishing to the district and county attorney of such counties or judicial districts, of the evidence and testimony adduced and given before such grand juries in the investigation of crimes and offenses coming before such bodies and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator McNealus offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 47, in line 4 of Section 1, as printed on page 350 of the Senate Journal, by inserting after the word "of" the words "counties of"; and inserting after the word "Texas" at the end of the same line the words "having a population of 125,000 or more inhabitants according to the United States census of 1910."

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 47 put on its third reading and final passage by the following vote:

## Yeas—19.

Alderdice. Johnson of Hall.  
Bee. Johnston of Harris.  
Buchanan of Bell. Lattimore.  
Buchanan of Scurry. McNealus.  
Collins. Page.  
Dean. Parr.  
Decherd. Strickland.  
Faust. Suiter.  
Floyd. Westbrook.  
Hopkins.



## Nays—2.

Clark. Hall.

Absent.

Bailey. Robbins.  
Caldwell. Woodward.

Absent—Excused.

Dayton. Hudspeth.  
Gibson. McCollum.  
Henderson. Smith.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

## Yeas—12.

Alderice. Lattimore.  
Buchanan of Bell. McNealus.  
Buchanan of Scurry. Parr.  
Floyd. Strickland.  
Hall. Suiter.  
Hopkins. Westbrook.

## Nays—5.

Clark. Johnston of Harris.  
Collins. Page.  
Faust.

Present—Not Voting.

Bee. Decherd.  
Dean. Johnson of Hall.

Absent.

Bailey. Robbins.  
Caldwell. Woodward.

Absent—Excused.

Dayton. Hudspeth.  
Gibson. McCollum.  
Henderson. Smith.

## Simple Resolution No. 44.

Senator Caldwell called for Simple Resolution No. 44 on the table subject to call.

Senator Westbrook made the point of order that Senate Bill No. 31 is pending business and should now be laid before the Senate.

The Chair overruled the point of order holding that Simple Resolution No. 44 is now before the Senate.

The resolution was read as follows:

Resolved that there is hereby appropriated out of the contingent expense fund of the Senate the sum of

two hundred (\$200) dollars, or so much thereof as may be necessary for compiling, indexing and proof-reading the laws passed at the Fourth Called Session of the Thirty-fifth Legislature; said work shall be under the direction of the Secretary of State, and when same is completed voucher shall be issued by the Chairman of the Contingent Expense Committee of the Senate, upon account duly approved by the Secretary of State for the amount herein appropriated, and said account shall be paid by the Comptroller as all other accounts are paid.

CALDWELL.

The question being upon the amendment by Senator Hopkins.

By unanimous consent the amendment was changed by striking out the figures "50" and making said amendment read as follows:

Amend the resolution by striking out "\$200" where it appears in the resolution and insert in lieu thereof the following, "\$100."

The amendment was adopted.

The resolution as amended was then adopted.

## Senate Bill No. 31.

The Chair laid before the Senate as pending business on second reading:

S. B. No. 31, A bill to be entitled "An Act to create a State Board, to be known as the State Board of Control, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board; prescribing in what manner the board may administer its department and fixing the qualifications and status of certain officers and employees to be appointed by the board in administering its affairs; abolishing certain offices and consolidating various departments of the government and placing the administering thereof under the State Board of Control, and declaring an emergency."

The question being upon substitute motion of Senator Clark to adopt the minority (adverse) committee report and the same was lost by the following vote:

## Yeas—10.

Bailey.	Faust.
Bee.	Hall.
Caldwell.	Johnston of Harris.
Clark.	Page.
Collins.	Parr.

## Nays—11.

Alderdice.	Hopkins.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Strickland.
Dean.	Sulter.
Decherd.	Westbrook.
Floyd.	

## Absent.

McNealus.	Woodward.
Robbins.	

## Absent—Excused.

Dayton.	McCollum.
Henderson.	Smith.
Hudspeth.	

## Pair Recorded.

Senator Johnson of Hall (present), who would vote "nay"; Senator Gibson (absent), who would vote "yea."

Action recurred upon the adoption of the majority (favorable) committee report, and the same was adopted by the following vote:

## Yeas—11.

Alderdice.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Strickland.
Dean.	Sulter.
Decherd.	Westbrook.
Floyd.	

## Nays—10.

Bailey.	Faust.
Bee.	Hall.
Caldwell.	Johnston of Harris.
Clark.	Page.
Collins.	Parr.

## Absent.

Hopkins.	Woodward.
Robbins.	

## Absent—Excused.

Dayton.	McCollum.
Henderson.	Smith.
Hudspeth.	

## Pair Recorded.

Senator Johnson of Hall (present), who would vote "yea"; Senator Gibson (absent), who would vote "nay."

By unanimous consent and on motion of Senator Westbrook the bill was laid on the table subject to call.

## House Bill No. 110—Free Conference Committee Report.

The Chair laid before the Senate the following report:

Committee Room,

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, the Conference Committee appointed by the Senate and the House, to consider the amendments to House Bill No. 110, respectfully recommend that the Senate recede from all committee amendments to said bill, and that the Hopkin's amendments to said bill be concurred in and adopted.

In connection with the adoption of said Hopkin's amendments, we recommend that said amendment number two be itself so amended that it shall be called Section 2 of said House Bill No. 110, instead of Section 3, and that the provision of said amendment, which would require the renumbering of the emergency clause of said bill as Section 4 be so amended that the emergency clause will be renumbered and called Section 3.

Respectfully submitted,

DEAN,  
PAGE,  
BAILEY,  
HOPKINS,  
MCNEALUS,

On the part of the Senate.

MARTIN,  
BLEDSOE,  
THOMASON of El Paso.

On the part of the House.

The foregoing report was read and on motion of Senator Dean the same was adopted.

## Senate Bill No. 26—Free Conference Committee Report.

The Chair laid before the Senate the following report, which was laid on the table subject to call during the morning session.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Hon. F. O. Fuller, Speaker of the  
House of Representatives.

Sirs: Your Free Conference Com-  
mittee on Senate Bill No. 26, have  
had said bill, together with House  
amendments, under consideration,  
and make the following report:

We recommend that the following  
schedule of salaries be agreed upon:

In every county of 2000 or less in  
which the office of county superin-  
tendent has been created or may be  
created after this Act shall have gone  
into effect the county superintendent  
shall receive an annual salary of  
\$1000.

In every county that has a schol-  
astic population of 2000 or less than  
3000 a county superintendent shall  
receive an annual salary of \$1200.

In every county that has a scholas-  
tic population of 3000 and less than  
4000 the county superintendent shall  
receive an annual salary of \$1400.

In every county that has a scholas-  
tic population of 4000 and less than  
5000 the county superintendent shall  
receive an annual salary of \$1500.

In every county that has a scholas-  
tic population of 5000 and less than  
6000 the county superintendent shall  
receive an annual salary of \$1600.

In every county that has a scholas-  
tic population of 6000 and less than  
7000 the county superintendent shall  
receive an annual salary of \$1700.

In every county that has a scholas-  
tic population of 7000 and less than  
9000 the county superintendent shall  
receive an annual salary of \$1800.

In every county that has a scholas-  
tic population of 9000 and less than  
10,000 the county superintendent  
shall receive an annual salary of  
\$2000.

In all counties that have a scholas-  
tic population of 10,000 or more the  
county superintendent shall receive  
an annual salary of \$2100.

BEE,  
LATTIMORE,  
FAUST,  
MCNEALUS,  
DECHERD,

On the part of the Senate.  
THOMASON of Nacogdoches.  
FAIRCHILD,  
HARDY,

On the part of the House.

The foregoing report was read and  
Senator Bee moved that the same be  
adopted.

The motion prevailed by the fol-  
lowing vote:

Yeas—21.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	Page.
Collins.	Parr.
Dean.	Strickland.
Decherd.	Suiter.
Faust.	

Absent.

McNealus.	Westbrook.
Robbins.	Woodward.

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

#### Senate Bill No. 105.

The Chair laid before the Senate  
on second reading:

S. B. No. 105, A bill to be entitled  
"An Act to amend Section 14, of  
Chapter 23, of the laws passed at  
the Regular Session of the Thirty-  
third Legislature being an Act creat-  
ing a more effective road system for  
Scurry County, Texas, making county  
commissioners ex officio road com-  
missioners for their respective pre-  
cincts, prescribing their powers and  
duties, providing for their compen-  
sation, etc., so that said Section 14  
of said Act shall hereafter read as  
set out below, and declaring an emer-  
gency."

The committee report that the bill  
be not printed was adopted.

The bill was read second time and  
passed to engrossment.

On motion of Senator Buchanan of  
Scurry, the constitutional rule re-  
quiring bills to be read on three sev-  
eral days was suspended and Senate  
Bill No. 105 put on its third reading  
and final passage by the following  
vote:

Yeas—21.

Alderdice.	Buchanan of Bell.
Bailey.	Buchanan of Scurry.
Bee.	Caldwell.

Clark.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	Lattimore.
Decherd.	Page.
Faust.	Parr.
Floyd.	Strickland.
Hall.	Suiter.
Hopkins.	

Absent.

McNealus.	Westbrook.
Robbins.	Woodward.

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed finally.

#### Message from the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with an executive message.

The same was laid before the Senate and read as follows:

Governor's Office,  
Austin, Texas, March 22, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Senator W. D. Caldwell, I submit for your consideration an act to amend Chapter 133, page 336 of the General Laws of the Regular Session of the Thirty-fifth Legislature so as to provide that said act shall not apply to any person, corporation or collection of persons or partnership who pursue the business of collecting accounts due to any person, partnership or corporation for merchandise or goods actually sold and delivered or for services actually performed or for premises occupied or for rentals, and who charge a reasonable fee for collecting such bona fide accounts past due.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

#### Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of African race, or descent, etc."

S. B. No. 22, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as levee improvement districts, for the purpose of reclaiming lands from overflow from rivers, creeks and streams, by systems of levees, drainage and other improvements, prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such, providing for the construction, maintenance, and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penalties and punishment to be imposed on persons offending those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation, and declaring an emergency."

H. B. No. 156, A bill to be entitled "An Act to amend Chapter 1, Section 119, Revised Statutes of Texas, 1911, by adding thereto Articles 6901a, 6901b, 6901c, 6901d and 6901e; fixing the compensation of county commissioners in counties having a population of 30,000 and over; providing a method of determining the population; providing that if any part of this Act be declared void the same shall not affect the remaining portions; validating the acts of any commissioners court in heretofore paying the amount of salary provided by any road law, and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations by and with the permission of the Railroad Commission of Texas



and county commissioners court of the county wherein located, to change, relocate or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910; and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city, etc."

S. B. No. 61, A bill to be entitled "An Act authorizing the Board of Nurse Examiners for the State of Texas to employ not less than three lecturers from among the registered nurses of the State to visit the different high schools, colleges and universities of the State, those supported by public as well as private funds, to arouse a greater interest among young women in the profession of nursing, with the view of securing volunteers for this work, authorizing said board to fix the salary and compensation of said lecturers and term of their service, and providing for the payment of their compensation and expense from fees accumulated and now in the possession of or under control of said board, and declaring an emergency."

S. B. No. 1, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas of 1911, and to provide the manner in which the State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency."

S. B. No. 102, A bill to be entitled "An Act enlarging and establishing the Jarrell Independent School District, Jarrell, Williamson County, Texas, and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act creating and establishing the Winnie Independent School District in the counties of Chambers and Jefferson, State of Texas; defining its boundaries and divesting the bodies

now controlling the same of the title of all property now held and used for public school purposes, within the territory within this Act described and investing the same in the Winnie Independent School District; providing for the election of a board of trustees to manage and control the public free schools within said district; authorizing said district to issue bonds and to assume the outstanding indebtedness against any of the common school districts affected by this Act; and investing the said district with the rights, powers and privileges and duties of a town and village incorporated for free school purposes only under the general laws and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act conferring upon the Railroad Commission of Texas the power to require persons, firms, corporations and receivers, owning or operating railroads within the State of Texas, to arrange or rearrange or relocate their railroad tracks and depot buildings at stations when and where the safety of the public may require such arrangements or rearrangement; providing procedure for such requirements; and declaring an emergency."

(Senator Page in the chair.)

#### House Bill No. 101.

Senator Lattimore called from the table and the Chair laid before the Senate on second reading:

H. B. No. 101, A bill to be entitled "An Act to amend Article 7828 of the Revised Civil Statutes of Texas, 1911, providing the Governor shall appoint nine persons as public weighers in every city which receives annually 100,000 bales of cotton."

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment which was read and adopted:

(1) Amend the bill by striking out the word "nine" and inserting in lieu thereof the word "six."

Senator Dean moved the previous question on the passage of the bill to its third reading, which being duly seconded, was ordered.

The bill was read second time and passed to its third reading, by the following vote:

## Yeas—14.

Alderdice.	Floyd.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Clark.	McNealus.
Collins.	Strickland.
Dean.	Westbrook.

## Nays—6.

Bailey.	Hall.
Caldwell.	Page.
Faust.	Parr.

## Present—Not Voting.

Johnston of Harris.

## Absent.

Decherd.	Suiter.
Robbins.	Woodward.

## Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

Senator Lattimore moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 101 put on its third reading and final passage.

The motion was lost by the following vote:

## Yeas—13.

Alderdice.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dean.	Strickland.
Floyd.	Westbrook.
Hopkins.	

## Nays—8.

Bailey.	Faust.
Bee.	Hall.
Caldwell.	Page.
Clark.	Parr.

## Absent.

Decherd.	Suiter.
Robbins.	Woodward.

## Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

## Senate Bill No. 98.

The Chair laid before the Senate on second reading:

S. B. No. 89, A bill to be entitled "An Act to amend Chapter 27 of the General Laws of the Thirty-second Legislature of the State of Texas, entitled 'An Act to provide additional compensation to all judges of the district courts, district attorneys of the State of Texas, and to the judge of the Criminal District Court of Harris and Galveston Counties, by allowing compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence,' so as to increase the maximum sum which may be paid to any district judge or district attorney in any one year from the sum of two hundred (\$200) dollars, to four hundred (\$400) dollars, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

Senator Bailey offered the following amendments which were read and adopted.

(1) Amend the bill by striking out the words "and the Judge of the Criminal District Court of Harris and Galveston Counties," wherever they occur in the bill, and by inserting in line 1, Chapter 27, of the bill, between the word "state" and "district," and the word "and."

(2) Amend the bill by striking out the words "two dollars (\$2.00)" wherever they occur in the bill and inserting in lieu thereof, the words "two and 50-100 dollars (\$2.50)."

Senator Dean offered the following amendment, which was read and lost:

Amend the bill by striking out the words "or district attorney," line 32, and by adding after the words "four hundred (\$400) dollars" the following, "or any district attorney more than two hundred (\$200) dollars in any one year."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 98 put on its third reading and final passage by the following vote:

## Yeas—20.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dean.	Page.
Decherd.	Parr.
Faust.	Westbrook.

## Nays—1.

Sulter.

## Absent.

Caldwell.	Strickland.
Robbins.	Woodward.

## Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

Senator Bailey moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Decherd in the chair.)

## Senate Bill No. 103, Set as Special Order.

By unanimous consent, and on request of Senator Johnston of Harris, Senate Bill No. 103 was set as a special order for tomorrow at the conclusion of the morning call.

## Message from the House.

Hall of the House of Representatives.  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House does not concur in Senate amendments to House Bill No. 140, and requests the appointment of a free conference committee. The following have been appointed on part of the

House: Messrs. Cope, McMillin, Neill, McComb, and Blackmon.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives

## House Bill No. 140—Free Conference Committee Elected.

Senator Floyd made the following written motion:

I move that the Senate accede to the request of the House for a free conference on House Bill No. 140, and that the following conferees be elected on the part of the Senate: Lattimore, Sulter, Collins, Hopkins and Buchanan of Scurry.

FLOYD.

The motion was read and adopted, carrying the election of the committee named.

## House Bill No. 134.

The Chair laid before the Senate on second reading:

H. B. No. 134, A bill to be entitled "An Act to authorize the payment by the State Prison Commission of debts contracted by the Prison Commission prior to January 7, 1915, for which appropriation was made from the general revenues by Chapter 201, Acts of the Thirty-fifth Legislature, Regular Session; providing that the sum of three hundred and sixty-two thousand four hundred and twenty-three and forty-three hundredth dollars, paid in discharge of prison system indebtedness from the general revenues for the fiscal year beginning September 1, 1917, be transferred from the special funds of the Prison Commission to the general revenue; providing that the sum of three hundred and eighty-seven thousand seven hundred and eighty-three and fifty one-hundredth dollars provided to be paid from the general revenues during the fiscal year beginning September 1, 1918, in discharge of prison system indebtedness be paid from the funds of the prison system at the time and under the conditions specified in the said acts providing for payment of such Prison Commission indebtedness and interest thereon, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Dean offered the following

amendment which was read and adopted:

Amend the bill by adding after the end of Section 2, and as a part of said section, the following:

"Provided that in no case shall there be paid anything under any stipulation in any note or contract providing for an addition to be made thereto as attorney's fees or collection fees."

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 134 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Sulter.
Faust.	Westbrook.
Floyd.	

Absent.

Clark.	Strickland.
Robbins.	Woodward.

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed finally.

House Concurrent Resolution No. 10.

The Chair laid before the Senate: House Concurrent Resolution No. 10, relating to lease of agricultural lands for the State Training School for Juveniles.

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the resolution be not printed was adopted.

On motion of Senator Buchanan of Bell the resolution was laid on the table subject to call.

Senate Bill No. 40.

Senator Alderdice moved that the regular order of business be suspended, and the Senate take up, out of its order, Senate Bill No. 40.

The roll call on the motion was as follows:

Yeas—14.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Sulter.
Floyd.	Westbrook.

Nays—5.

Caldwell.	Page.
Bee.	Parr.
Hall.	

Absent.

Bailey.	Robbins.
Clark.	Strickland.
Faust.	Woodward.

Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

Senator McNealus raised the point of no quorum.

The point was sustained.

Refusal to Adjourn.

Senator Caldwell moved that the Senate stand adjourned until 9:30 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—9.

Bee.	Lattimore.
Caldwell.	McNealus.
Faust.	Page.
Hall.	Parr.
Johnston of Harris.	

Nays—11.

Alderdice.	Floyd.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Collins.	Sulter.
Dean.	Westbrook.
Decherd.	

Absent.

Bailey.	Strickland.
Clark.	Woodward.
Robbins.	

## Absent—Excused.

Dayton.	Hudspeth.
Gibson.	McCollum.
Henderson.	Smith.

## Call of the Senate.

There being no quorum present, Senator Hopkins moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion being duly seconded, the Chair directed the roll of the absentees called, the following Senators being absent:

## Absent—13.

Bailey.	McCollum.
Clark.	Page.
Dayton.	Robbins.
Gibson.	Smith.
Henderson.	Strickland.
Hudspeth.	Woodward.
Lattimore.	

The Sergeant-at-Arms was ordered to close the doors of the Senate and go out and bring in the absentees.

## At Ease.

At 6:25 p. m. by unanimous consent and on request of Senator Johnston of Harris, the Senate stood at ease until 9:30 o'clock tomorrow morning.

## In the Senate.

(President Pro Tem. Decherd in the chair at 9:30 o'clock a. m. Saturday, March 23, 1918.)

Pending the arrival of several Senators, the Chair directed the roll again called for the purpose of ascertaining whether or not a quorum was present, the following Senators answering to their names:

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Suiter.
Floyd.	Westbrook.
Hall.	

## Absent.

Clark.	Robbins.
Faust.	Strickland.
Gibson.	Woodward.

## Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

A quorum being present, the Sergeant-at-Arms was directed to open the doors of the Senate, and the same was done.

## Senate Bill No. 40.

Action recurred upon pending business, the same being the motion of Senator Alderdice to suspend the regular order of business and take up Senate Bill No. 40.

The motion was lost by the following vote:

Yeas—11.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	McNealus.
Collins.	Suiter.
Decherd.	Westbrook.
Floyd.	

Nays—9.

Bailey.	Johnston of Harris.
Bee.	Lattimore.
Caldwell.	Page.
Hall.	Parr.
Henderson.	

## Present—Not Voting.

Dean.	Gibson.
-------	---------

## Absent.

Clark.	Strickland.
Faust.	Woodward.
Robbins.	

## Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

## Adjournment.

At 9:45 o'clock a. m., Senator Caldwell moved that the Senate adjourn until 9:55 o'clock a. m. today.

As a substitute, Senator Bailey moved that the Senate adjourn until 9:30 o'clock Monday morning.

The substitute motion was lost by the following vote:



## Yeas—3.

Bailey. McNealus.  
Caldwell.

## Nays—18.

Alderdice. Henderson.  
Bee. Hopkins.  
Buchanan of Bell. Johnson of Hall.  
Buchanan of Scurry. Johnston of Harris.  
Collins. Lattimore.  
Dean. Page.  
Decherd. Parr.  
Floyd. Sulter.  
Hall. Westbrook.

## Present—Not Voting.

Gibson.

## Absent.

Clark. Strickland.  
Faust. Woodward.  
Robbins.

## Absent—Excused.

Dayton. McCollum.  
Hudspeth. Smith.

Action then recurred upon the motion to adjourn until 9:55 o'clock this morning, and the same was adopted.

## APPENDIX.

## Petitions and Memorials.

Senator Hall offered telegrams opposing the Galveston public weighers bill, from the following: Galveston D. G. Co., Gulf City Press, Wallis Curry & Co., Jno. D. Rogers & Co., L. A. Adoue.

Senator Hall offered, also, two numerous signed petitions of the same nature from citizens of Galveston.

The Chair offered a telegram signed by Geo. H. Slater of San Antonio opposing amendment of election laws.

Senator McNealus offered a telegram from C. E. Linz of Dallas opposing House Bill No. 61, the telephone bill.

Senator Parr offered a telegram from D. F. Strickland and others of Mission, opposing closed season on white winged doves.

Senator Lattimore offered a telegram from Washington, D. C., favoring the passage of war purity measures.

## Engrossing Committee Reports.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 75 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 69 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 76 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 109 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 111 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 68 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Sir: Your Committee on Engrossed  
Bills has had Senate Bill No. 105 care-  
fully compared, and finds the same  
correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Sir: Your Committee on Engrossed  
Bills has had Senate Bill No. 47 care-  
fully compared, and finds the same  
correctly engrossed.

ALDERDICE, Chairman.

#### Committee Reports.

Committee Room.  
Austin, Texas, March, 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Sir: Your Committee on Educa-  
tional Affairs to whom was referred

H. B. No. 173, A bill to be entitled  
"An Act changing the boundaries of  
Abernathy Independent School Dis-  
trict, situated in Hale and Lubbock  
Counties, Texas, as to the part of  
said independent district lying in  
Lubbock County, Texas, and Caldwell  
Common School District No. 6, and  
Center Common School District No.  
2, in Lubbock County, Texas, trans-  
ferring to Caldwell Common School  
District No. 6, a portion of the terri-  
tory now embraced in the Abernathy  
Independent School District, and pro-  
viding that Caldwell Common School  
District shall assume the portion of  
the bonded indebtedness which it is  
entitled to assume in taking over the  
additional land, and that Center  
Common School District shall assume  
the portion of the bonded indebted-  
ness which it is entitled to assume  
in taking over the additional land  
respectively of the bond issue of the  
Abernathy Independent School Dis-  
trict, and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to re-  
port the same back to the Senate  
with the recommendation that it do  
pass and be not printed.

BEE, Chairman.

#### (Floor Report.)

Senate Chamber.  
Austin, Texas, March, 22, 1918.

Hon. E. A. Decherd, President Pro  
Tem. of the Senate.

Sir: Your Committee on State  
Penitentiaries, to whom was re-  
ferred

House Concurrent Resolution No.  
10, authorizing the Board of  
trustees of the State Juvenile Train-  
ing School to lease all necessary  
agricultural lands upon such terms  
and for such time as may be exped-  
ient,

Have had the same under consid-  
eration and beg leave to report the  
same back to the Senate with the  
recommendation that it do pass and  
be not printed.

Dean, Chairman; Parr, Alderdice,  
Johnston of Harris, Robbins, Strick-  
land, Faust.

#### (Floor Report.)

Senate Chamber.  
Austin, Texas, March, 22, 1918.

Hon. E. A. Decherd President Pro  
Tem. of the Senate.

Sir: Your Committee on State  
Affairs, to whom was referred

H. B. No. 93, A bill to be entitled  
"An Act abolishing the office of  
Commissioner of Pensions, con-  
ferring all powers heretofore exer-  
cised by the Commissioner of Pen-  
sions under any existing laws of this  
State, upon the Comptroller of Pub-  
lic Accounts and annulling and re-  
pealing all appropriations for the  
Pension Department for the years  
1918 and 1919, save and except the  
salary of the chief clerk of said de-  
partment, in the sum of \$1500 per  
annum, which said appropriation  
shall be available for the use of the  
Comptroller of Public Accounts in  
the administration of the pension  
laws of this State, repealing all laws  
in conflict herewith, and declaring an  
emergency,"

Have had the same under consid-  
eration and I am directed to report  
the same back to the Senate with  
the recommendation that said bill  
be passed and be not printed.

Collins, Acting Chairman; Strick-  
land, Lattimore, Robbins, Westbrook.

(Floor Report.)

Senate Chamber.

Austin, Texas, March, 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

H. B. No. 115, A bill to be entitled "An Act to amend Sections 2 and 8, of Chapter 181, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 6, Acts of the Third Called Session of the Thirty-fifth Legislature, by adding thereto Section 2b, providing for standard 'grades and packs' of other fruits and vegetables; prescribing penalties for violation of this law; and declaring an emergency,"

Have had same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alderdice, Chairman; Buchanan of Scurry, Suiter, Floyd, Decherd.

Committee Room.

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No 174, A bill to be entitled "An Act to establish Common School District No. 15, in Lubbock County, Texas, out of and so as to include certain lands heretofore in Slaton Independent School District, and Common School Districts No. 11 and No. 20 of said County, providing that such parts of Slaton Independent School Districts Nos. 11 and 20 as are herein embraced in Common School District No. 15, shall respectively continue to be subject to taxation for the respective payment of principal, interest and sinking funds, of any school bond issue heretofore issued respectively by Slaton Independent School District and the Common School Districts Nos. 11 and 20 and remaining unpaid, conferring upon the County Board of Trustees of Lubbock County, the same powers of control over said district as they now have over other common school districts of like class in said County, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 149, A bill to be entitled "An Act to authorize persons, associations of persons, corporations and districts to conserve the fresh waters of streams for irrigation against pollution by salt sea tides,

Have had the same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass and be not printed.

Hall, Chairman; Collins, Clark, Bailey, Faust, Caldwell.

Committee Room.

Austin Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 175, A bill to be entitled "An Act readjusting the common school districts and county line common school districts in Lubbock County, Texas, against which outstanding bond issues are now in force; changing boundary lines of said districts; dividing districts and describing them by metes and bounds; providing that any lands that may by this Act be incorporated in a given common school district from any other common school district or county line common school district or any common school district that is by this Act divided shall continue to be subject to taxation for the payment of the principal, annual interest, and sinking fund of any common school district or county line common school district schoolhouse bonds that may have heretofore been issued by the common school district, or county line common school district from which such lands are transferred and remaining unpaid; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 170, A bill to be entitled "An Act to amend Section 1 of House Bill No. 95, Chapter 38, pages 392, 393, 394 and 395 of the published laws enacted by the Thirty-fifth Legislature at its First Called Session, creating the Milano Independent School District, revising the metes and bounds of said district, excluding certain territory therefrom and declaring an emergency,"

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room.

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred H. B. No. 177, A bill to be entitled "An Act changing the boundaries of Common School Districts Nos. 3 and 14, and Slaton Independent School District in Lubbock County, Texas, and transferring a portion of the territory now embraced in Union Common School District No. 3, to Slaton Independent School District and transferring a portion of the territory now embraced in the Slaton Independent School District to Common School District No. 14, and providing that Slaton Independent School District shall assume and pay the bonded indebtedness of Union Common School District No. 3, which it is entitled to assume in taking over the additional lands, and providing that Common School District No. 14 shall assume and pay the portion of the bonded indebtedness of Slaton Independent School District which it is entitled to assume in taking over the additional lands, and declaring an emergency,"

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass, and be not printed.

BEE, Chairman.

Committee Room.

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred H. B. No. 176, A bill to be entitled "An Act changing the boundaries of Lubbock Independent School District and Canyon Common School District No. 11 and New Hope Common School District No. 20, in Lubbock County, Texas, transferring to Canyon Common School District No. 11, a portion of the territory now embraced in Lubbock Independent School District and providing that Canyon Common School District No. 11 shall assume the portion of the bonded indebtedness of Lubbock Independent School District which it is entitled to assume in taking over the additional land and transferring to New Hope Common School District No. 20, a portion of the territory now embraced in Lubbock Independent School District, and providing that New Hope Common School District No. 20 shall assume the portion of the bonded indebtedness of Lubbock Independent School District which it is entitled to assume in taking over the additional land, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 22, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 90, A bill to be entitled "An Act regulating the purchase of junk by persons engaged as junk dealers or in the junk business, providing for uniform affidavits of junk sellers, and for same to be kept in well bound book, subject to inspection of the public, providing punishment for the violation of same, defining the terms 'junk dealer' and 'junk business,' and repealing all



laws in conflict with the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Page, Chairman; Collins, Hall, Caldwell, Westbrook, Suiter Strickland.

#### Enrolling Committee Report.

Committee Room,  
Austin, Texas, March 22, 1917.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 27, copy of which is hereto attached and find it correctly enrolled, and have this day at 5 o'clock p. m. presented same to the Governor for his approval.

HOPKINS, Acting Chairman.

By Johnston of Harris. S. B. No. 27.

An Act to permit railroad corporations or receivers of railroads, by and with the permission of the Railroad Commission of Texas and county commissioners court of the county wherein located, to change, relocate, or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants, or more, according to the United States census, and to permit such railroad corporations or receivers to change, relocate, or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the governing legislative authority of such city; and to require such railroad corporation or receivers to make such change, relocation, or abandonment upon the order of such Railroad Commission, upon the application of such governing authority and providing for the exercise of the right of eminent domain to acquire lands for rights of way, depot grounds, shops, roundhouses, water supply sites, switches, sidings, spurs, or any other lawful purpose connected with or necessary to the building, operat-

ing or running of its road charging same with a public use, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That when any railroad in this State whether incorporated under State or Federal charter desires to abandon, change or relocate any portion of its line or railroad within this State adjacent to but not within any incorporated city of 50,000 or more inhabitants of this State according to the United States census, it shall present a petition therefor to the Railroad Commission of Texas showing that portion of its line sought to be changed, relocated or abandoned and the situation of the new or relocated line, with the reasons justifying the same; thereupon the Railroad Commission of Texas shall set said application for hearing and give public notice thereof of not less than ten days in the locality where such change is desired by publishing notice in a newspaper of general circulation published nearest thereto, setting out substantially what such contemplated change may be; and if after such hearing the Railroad Commission of Texas shall be of opinion that it is to the public interest to permit such change, relocation or abandonment of said line, it shall enter its order approving same and thereupon said railroad corporation or receivers of any railroad shall be empowered to make such change, relocation or abandonment; provided that nothing contained herein shall be construed to authorize the Railroad Commission of Texas to permit any railroad corporation or receivers of any railroad to abandon such substantial part of its line as shall amount to impairment of its charter contract or deprive any city or town of railroad facilities. Provided that the Railroad Commission of Texas shall not exercise the power herein granted unless and until said railroad corporation or receivers of any railroad shall have obtained the permission of the county commissioners court of the county for such change, relocation or



abandonment, which permission shall be evidenced by the duly authenticated order of such court which shall accompany the petition of such railroad corporation or receivers of any railroad to the Railroad Commission of Texas.

Sec. 2. That when any railroad corporation or receivers of any railroad of the State desire to change, relocate or abandon any part of its line within any incorporated city containing 50,000 or more inhabitants according to the United States census, it shall present its petition therefor to the governing legislative authority of such city, said petition to be also supported by the names of not less than five hundred resident citizens who shall be property owners in said city, showing the reasons therefor and the part of the line sought to be changed, relocated or abandoned, the new location, or arrangements proposed for operation: whereupon such governing legislative authority if of opinion that the same is for the public interest, shall enter its order permitting such change, relocation or abandonment of said line. That thereupon the said railroad corporation or receivers of any railroad shall present its petition to the Railroad Commission of Texas praying for authority to make such change, relocation or abandonment, with a description of that portion of its lines: providing that no change shall be made that will seriously affect the charter obligations of any railroad company sought to be changed, relocated or abandoned, together with a description of the changed or relocated line, or arrangement for the new operation, which petition shall be accompanied by the order of the governing legislative authority of the city as aforesaid approving same; whereupon the Railroad Commission of Texas shall set down such application for public hearing upon not less than ten days notice, and if upon such hearing the Railroad Commission of Texas shall be of opinion that the public interest will be conserved by the granting of such petition, it shall enter its order to that effect and thereupon said railroad corporation or receivers of any railroad shall have full power to make such change, relocation or abandonment of its line. Providing that no application to alter, change or relocate railway tracks, as contemplated by this sec-

tion, shall be acted upon by the governing legislative authority of such city until 30 days after the petition of citizens provided for herein shall have been filed with said body, and publication thereof has been made for two consecutive weeks in a newspaper of general circulation within the limits of said city, prior to action had thereon.

Sec. 3. When any railroad corporation or receivers of any railroad shall have been empowered under the provisions of this Act, to change, relocate or abandon its line of railroad in this State, it shall have full power to acquire by condemnation or otherwise all lands for rights of way, depot grounds, shops, round-houses, water supply sites, sidings, switches, spurs or any other lawful purpose connected with or necessary to the building, operating or running of its road as changed, relocated or abandoned; provided, however, that all property so acquired is hereby declared to be for and is charged with public use so far as same be necessary.

Sec. 4. All changes, relocations and abandonments of parts of their lines by railroad corporations or receivers of any railroad in or adjacent to any city having a population according to the United States census of 50,000 inhabitants or over, heretofore made with the permission of the Railroad Commission of Texas or authorized by its written order, are hereby validated and made legal as fully as if made under the provisions of this Act, and such permission or written order of the Railroad Commission of this State, given prior hereto, shall be full power and authority to a railroad corporation or receivers of any railroad to make such change, relocation or abandonment of parts of its line; providing that this Act shall not affect any right or rights for damages that any person, firm or corporation may now have, may have had or may have in the future for damages caused by any such removal, change or abandonment.

Sec. 5. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. Whenever the governing authority of any city containing 50,000 inhabitants or more shall present to the Railroad Commission of this State its application for any

change or relocation of any tracks of any railroad corporation or receivers of any railroad in such way as to better serve the public interest, said Railroad Commission shall set down such application for a hearing after giving ten days notice to such railroad corporation or receivers of any railroad whose tracks are sought to be changed or relocated, and after such a hearing, may make its order directing such change or relocation if in the opinion of the Railroad Commission such change or relocation would be to the best interest of all parties concerned. Provided that no application to alter, change or relocate railway tracks, as contemplated by this section, shall be determined upon by the governing legislative authority of such city until thirty days after publication of the proposed change or relocation of said railway tracks shall have been made in the official newspaper of the said city.

Sec. 7. The near approach of the end of the present session and the fact that the rapidly expanding growth of many of our large cities in this State make it necessary and desirable for the public benefit and the public safety to change, relocate and abandon portions of the lines and tracks of railroad corporations or receivers of any railroad within such cities and adjacent thereto, and the fact that some doubt has arisen as to the authority of the Railroad Commission of this State to permit such changes, relocations and abandonments, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended. And it is further enacted that this law take effect from and after its passage.

#### TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,

Saturday, March 23, 1918.

The Senate met at 9:55 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, no quorum being present, the following Senators answering to their names:

Bee.	Hall.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	Lattimore.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Westbrook.

Absent.

Alderdice.	Robbins.
Bailey.	Strickland.
Clark.	Suiter.
Faust.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

Senator McNealus moved that the Senate stand adjourned until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—2

Caldwell.	McNealus.
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Nays—16.

Bee.	Hall.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	Lattimore.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Westbrook.

Absent.

Alderdice.	Robbins.
Bailey.	Strickland.
Clark.	Suiter.
Faust.	Woodward.
Henderson.	

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.

#### Call of the Senate.

There being no quorum present, Senator Collins moved a call of the Senate for the purpose of obtaining and maintaining a quorum.

The motion being duly seconded, the Chair directed the roll of the absentees called, the following Senators being absent: